

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HONGMIAN GONG,

Plaintiff,

-against-

LERONE SAVAGE,

Defendant.

23-CV-07355 (AS)

Order

ARUN SUBRAMANIAN, United States District Judge:


As discussed at today's teleconference:

- Plaintiff's counsel should investigate whether there is any agreement in place between plaintiff and CUNY that may give CUNY intellectual property rights over some or all of the IP that is the subject of this dispute.
- Defense counsel should investigate whether (and if so, how): (1) the EDNY action can be transferred here and consolidated with this one; (2) the EDNY action can be dismissed without prejudice and a new action can be filed in this Court; or (3) the claims in the EDNY action can be asserted as counterclaims in this case.
- A hearing on the motion to dismiss will be held on Friday, February 23, 2024, at 4:30 PM in Courtroom 15A of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007. Both Hongmian Gong and Lerone Savage should attend the hearing. CUNY and Elsevier are also invited to attend, and plaintiff's counsel should serve this Order upon them so they are aware of the hearing.
- Counsel should discuss with their clients whether they are interested in participating in settlement talks with the Court before the Court's hearing on the motion to dismiss.

Counsel should submit a joint letter by Wednesday, February 7, 2024, detailing the outcome of the above investigations and inquiries. If any side opposes settlement talks, the letter should not indicate which side opposes.

SO ORDERED.

Dated: January 29, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge